



State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Department of Environmental Quality

L. Scott Baird
Interim Executive Director

DIVISION OF WATER QUALITY
Erica Brown Gaddis, PhD
Director

Water Quality Board
Jennifer Grant, Chair
Gregg A. Galecki, Vice Chair
Steven K. Earley
Brandon Gordon
Michael D. Luers
L. Scott Baird
Emily Niehaus
James Webb
Dr. James VanDerslice
Dr. Erica Brown Gaddis
Executive Secretary

MINUTES

UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY UTAH WATER QUALITY BOARD Via Adobe Connect

**June 24, 2020
8:30 am**

UTAH WATER QUALITY BOARD MEMBERS PRESENT

Scott Baird	Mike Luers
Steven Earley	Emily Niehaus
Gregg Galecki	James Webb
Brandon Gordon	

Excused: Jennifer Grant
James VanDerslice

DIVISION OF WATER QUALITY STAFF MEMBERS PRESENT

Chris Bittner	Ken Hoffman
Emily Cantón	Ben Holcomb
Skyler Davies	Brenda Johnson
Dusty Earley	John Mackey
Judy Etherington	Duncan Nelson
Erica Gaddis	Andrew Pompeo
Jodi Gardberg	Jen Robinson
Dan Griffith	Lonnie Shull
Angela Gunderson	Jeff Studenka
Dan Hall	Beth Wondimu

OTHERS PRESENT

Sharon Burton	Central Valley
Phil Heck	Central Valley
Lonn Rasmussen	Cottonwood Improvement District
Scott Ericson	EDO
Amanda Buhler	Kane County Water Conservancy District

OTHERS PRESENT

Gary Vance	JUB Engineers
Renn Lambert	LimnoTech
Corey Twedt	Millville City
Chad Brown	Millville City
David Hair	Millville City
Kevin Jeppson	Perry City
Shanna Johnson	Perry City
Lee Rawlings	South Valley Water Reclamation
Cory Pierce	Spanish Fork City
Joe Phillips	Sunrise Engineering
Rex Carpenter	
Nate Wallentine	

Mr. Galecki called the Board meeting to order at 8:30 AM and took roll call for the members of the Board and audience.

APPROVAL OF MINUTES OF APRIL 22, 2020 MEETING

Motion: Ms. Niehaus moved to approve the minutes of the April 22, 2020 meeting. Mr. Webb seconded the motion. The motion passed with Mr. Earley abstaining due to his absence at the April 22, 2020 meeting.

EXECUTIVE SECRETARY REPORT

National Level

- Dr. Gaddis updated the Board that on June 1, 2020 the EPA finalized the Clean Water Act Section 401 Certification Rule. Utah rules will need to be amended, likely repeal and replace to accommodate the new requirements.
- Dr. Gaddis informed the Board that Waters of the US (WOTUS) rule went into effect on June 22, 2020.

State Level

- Dr. Gaddis informed the Board that the legislature recently finished an interim session with a few budget cuts.
- The Harmful Algal Blooms (HABs) funding was not restored.
- Dr. Gaddis spoke about the Utah Leads Together v4 recently released by the Governor. This includes funding for wastewater and drinking water projects.

Division

- Dr. Gaddis updated the Board that the majority of Division staff are currently telecommuting due

to the pandemic and the building remains closed to the public and will not reopen until Salt Lake City moves to yellow level.

- Dr. Gaddis informed the Board that Jim Harris has made a decision to take a staff position in the Standards Section as the Great Salt Lake Coordinator. Currently there is recruitment for the Assistant Director position.

Board

- Dr. Gaddis spoke about upcoming Board items:
 - AFO/CAFO Rule Revisions
 - Storm Water Rule Revisions
 - Kanab Creek TDS site specific standard
 - The Fremont River TMDL is nearly complete
 - COVID-19 in wastewater

SUDWEEKS AWARD PRESENTATION

Mr. Galecki presented the Sudweeks Award to Lonn Rasmussen, Operations Manager for Cottonwood Improvement District and Sharon Burton, Operations Supervisor for Central Valley Water Reclamation Facility for achievements in the area of wastewater operations.

FUNDING REQUESTS

Financial Report: Ms. Cantón updated the Water Quality Board on the Loan Funds and Hardship Grant Funds, as indicated in the packet.

Summary of Current Financial Assistance Applications: Mr. Mackey updated the board on the status of an existing project with Kane County Water Conservancy District – Duck Creek Sewerage System and Treatment Plant Upgrade. Construction bids for the project came in higher than had been estimated and the District is requesting additional support from the Board to complete the project. Mr. Mackey also informed the Board of two new applications:

Spanish Fork City – Construction Assistance Credit Enhancement Agreement

Spanish Fork City is requesting a grant in the amount of \$3,500,000 to be issued over seven years in \$500,000 annual increments, to enhance the City's credit position in bonding to construct a new \$94.1 Million regional water reclamation facility.

Fairview City – Construction Assistance

Fairview City is requesting financial assistance in the amount \$2,860,000 to construct a new water reuse system. This project will enable the City to comply with the TBPEL regulation under the “commensurate phosphorus reduction by innovative alternative approach” variance provision of R317-1-3.3.C, through a seasonal offset.

Perry City Request for Loan Refinancing: Mr. Mackey presented Perry City's request for loan refinancing to the Board. Perry City is requesting restructuring of their \$11,350,000, 20 year, 3 percent interest loan from the Water Quality Board that was closed on December 16, 2008 for

construction of a new regional wastewater treatment plant. The City requests a replacement loan in the amount of \$7,350,000 with a term of 15 years and an interest rate of 1.5 percent.

Motion: Mr. Luers moved to approve the staff recommendations that the Board authorize a replacement loan to Perry City in the amount \$7,350,000 with a term of 15 years, and an interest rate of 2.0 percent, subject to the following special conditions.

1. Perry City must agree to continue to participate annually in the Municipal Wastewater Planning Program (MWPP).
2. Perry City must agree to maintain a minimum debt-to-service ratio of 125 percent for the replacement loan for the life of the loan.
3. Perry City must develop, fund and implement an asset management program consistent with the minimum requirements of EPA's Fiscal Sustainability Program for all of the sewerage system and treatment works assets under their management.

Mr. Gordon seconded the motion. The motion passed unanimously.

Duck Creek Request for Loan Refinancing: Mr. Davies presented the board with the Kane County Water Conservancy District Duck Creek sewer project reauthorization request. Due to cost increases the District is requesting that the hardship grant be increased to \$3,997,000, and that the loan remain at \$1 Million.

Motion: Ms. Niehaus moved to table this request until more information can be presented at a special meeting to be held in July, 2020. Mr. Webb seconded the motion. The motion passed unanimously.

Millville City Request for 2001 Grant Repayment Forgiveness: Mr. Hoffman presented that in the process of underwriting for the current Millville funding package, an issue has come up for which Board input is required. On June 15, 2001, Millville received funding for their \$977,578 portion of Nibley City's new wastewater collection system, lift station, and force main to connect to Logan City Wastewater Collection and Treatment Facility. The funding of this \$977,578 project was in 2 pieces: \$391,000 of loan and \$553,600 of grant. The grant has been paid out from the Hardship Grant Fund with no notes in DWQ's funds for projected repayment. The funding package approved by the Board on March 25, 2020 did not factor in repayment of this grant. Based on this information, clarification is requested from the Board on repayment of this \$553,600 grant. The Board could require Millville to repay the grant to the Hardship Grant Fund or the Board could forgive the grant without repayment.

Motion: Ms. Niehaus moved to approve the staff recommendations that the Board forgive the repayment of the \$553,600 grant issued on July 19, 2001 with the following special condition.

1. If Millville benefits monetarily from their ownership or the sale of their capacity in the Nibley Wastewater Line, this monetary benefit shall be paid into the restricted sewer enterprise fund for the benefit of Millville's wastewater

infrastructure and its upkeep.

Mr. Luers seconded the motion. The motion passed unanimously.

RULE MAKING

Request to Initiate Rule Making for R317-1-3.2, Compliance with Secondary Treatment Requirements: Ms. Robinson requested authorization from the Board to initiate rulemaking to revise Utah Administrative Code (UAC) Rule 317-1-3.2. The proposal is to amend UAC R317-1-3.2 to be consistent with 40 CFR 125.3 by removing “all persons” and replacing it with “publically owned treatment works”.

Motion: **Mr. Galecki moved to initiate the change to R317-1-3.2. Ms. Niehaus seconded the motion. The motion passed unanimously.**

Request to Initiate Rule Making for R317-2, Standards of Water Quality for Waters of the State: Mr. Bittner requested authorization from the Board to initiate rulemaking to change the designated aquatic life use from Class 3A, cold water aquatic life, to Class 3B, warm water aquatic life.

Motion: **Ms. Niehaus moved to initiate the change to R317-2. Mr. Luers seconded the motion. The motion passed unanimously.**

OTHER BUSINESS

Introduction to 2020 Water Quality Standards Triennial Review: Mr. Bittner presented to the Board that in accordance with R317-2-1C and Section 303(c) of the Clean Water Act, Utah is required to review the Standards of Quality for Waters of the State, R317-2, at least once every three years. The last Triennial Review was in 2017 and Water Quality staff are initiating the 2020 Triennial Review.

Wastewater Monitoring for Coronavirus: Dr. Gaddis presented to the Board a pilot program that was launched to determine whether monitoring sewage could provide a useful tool for public health officials. Scientists at DEQ and DWQ, the University of Utah, Utah State University and Brigham Young University have measured the genetic material of the SARS-CoV-2 virus; the virus that causes COVID-19 in sewage entering ten treatment plants across Utah. With the completion of the pilot project, the State of Utah is committed to expanding and operationalizing this tool in the ongoing response to the COVID-19 pandemic.

Public Comments: No public comments.

Meeting Adjournment

Motion: **Mr. Webb moved to adjourn the meeting. Ms. Niehaus seconded the motion. The motion passed unanimously.**

To listen to the full recording of the Board meeting go to: <http://www.utah.gov/pmn/index.html>

Next Meeting – August 26, 2020 at 8:30 am
195 North 1950 West
Room 1015
Salt Lake City, UT 84116

Gregg A. Galecki

[Gregg A. Galecki \(Aug 28, 2020 13:50 MDT\)](#)

Gregg Galecki, Vice Chair
Utah Water Quality Board